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DEPUY ORTHOPAEDICS, INC.

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

11 FRANK TOTH,

12 Plaintiff,

13 vs.

14 DEPUY ORTHOPAEDICS, INC.,
15 THOMAS P. SCHMALZRIED, M.D.
A PROFESSIONAL CORPORATION,
and DOES 1 through 20, inclusive,

16 Defendants.
17

CASE NO. 4:11-CV-01728-CW

**ORDER RE: STIPULATION TO STAY
PROCEEDINGS**

Hon. Claudia Wilken

Action Filed: March 9, 2011

Trial Date: None Set

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19 Upon consideration of the Stipulation to Stay Proceedings submitted by Plaintiff FRANK
20 TOTH; Defendant DEPUY ORTHOPAEDICS, INC.; and Defendant THOMAS P.
21 SCHMALZRIED, M.D. (hereafter collectively "the Parties"); upon consideration of all
22 documents, files, and pleadings in this action; and upon good cause shown, it is hereby
23 ORDERED that:

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1. The Parties' request for a stay of proceedings is GRANTED;
2. All proceedings in this action are hereby stayed, pending resolution of the motion to create a Pinnacle Cup System MDL proceeding.

IT IS SO ORDERED.

Dated: April 29, 2011


Judge Claudia Wilken

Respectfully submitted by,

DATED: April 28, 2011

YUKEVICH CALFO & CAVANAUGH

By: _____

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Kelley S. Olah
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 355 South Grand Avenue, Fifteenth Floor, Los Angeles, California 90071-1560.

On April 28, 2011, I served true copies of the following document(s) described as **PROPOSED ORDER RE: STIPULATION TO STAY PROCEEDINGS** on the interested parties in this action as follows:

Kenneth M. Seeger

Brian J. Devine

SEEGER • SALVAS LLP

455 Market Street, Suite 1530

San Francisco, CA 94105

Attorneys for Plaintiff

FRANK TOTH

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BY CM/ECF for parties that are CM/ECF participants. Service is being made electronically on those parties on the attached list that are registered users of the Court's Electronic Case Filing System.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 28, 2011, at Los Angeles, California.

Deanna Castellanos